

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

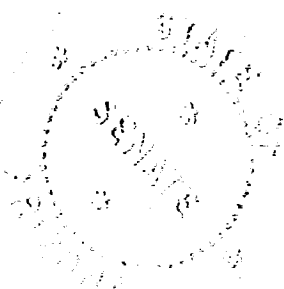
CHAPTER 36

HOUSE BILL 2031

AN ACT

AMENDING SECTIONS 27-233 AND 27-274, ARIZONA REVISED STATUTES; RELATING TO
STATE MINERAL LEASES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 27-233, Arizona Revised Statutes, is amended to
3 read:

4 27-233. Preferred right to renew mineral lease; evaluation of
5 geologic and economic evidence

6 A. Upon application to the STATE LAND commissioner, not less than
7 thirty nor more than sixty days prior to the expiration of the lease, if the
8 lessee of mineral lands is not delinquent in the payment of rental or royalty
9 on the date of expiration of the lease, the lessee shall have a preferred
10 right to renew the lease bearing even date with the expiration of the old
11 lease for a term of twenty years. The commissioner may deny the renewal
12 application for any reason listed in section 27-251, subsection B, paragraphs
13 1 through 4- 5.

14 B. IN DETERMINING WHETHER THE PROPOSED MINING ACTIVITIES WOULD BE IN
15 THE BEST INTEREST OF THE TRUST PURSUANT TO SECTION 27-251, SUBSECTION B,
16 PARAGRAPH 2, THE COMMISSIONER MAY REQUIRE THE LESSEE TO PROVIDE GEOLOGIC AND
17 ECONOMIC EVIDENCE SHOWING AT LEAST PROBABLE OR INDICATED MINERAL RESOURCES,
18 AS THAT EVIDENCE IS CONVENTIONALLY INTERPRETED IN THE MINERAL
19 INDUSTRY. EVIDENCE PROVIDED TO THE STATE LAND DEPARTMENT UNDER THIS
20 SUBSECTION IS A TRADE SECRET OF THE MINERAL INDUSTRY AND IS CONFIDENTIAL
21 PURSUANT TO SECTION 27-274.

22 Sec. 2. Section 27-274, Arizona Revised Statutes, is amended to read:

23 27-274. Trade secrets; confidentiality; definition

24 A. For the proper administration of state land, the state land
25 commissioner may require a lessee to submit relevant GEOLOGIC, engineering
26 and feasibility studies and other economic and technical information that is
27 considered to be a trade secret in the mineral industry.

28 B. TO EVALUATE THE MINERAL POTENTIAL OF STATE TRUST LAND, THE
29 COMMISSIONER MAY USE RELEVANT GEOLOGIC, ENGINEERING AND FEASIBILITY STUDIES
30 AND OTHER ECONOMIC AND TECHNICAL INFORMATION THAT IS CONSIDERED A TRADE
31 SECRET IN THE MINERAL INDUSTRY.

32 ~~B.~~ C. Trade secret information obtained under this section is
33 confidential.

34 ~~C.~~ D. For purposes of this section, "trade secret" means information
35 to which all of the following apply:

36 1. A person has taken reasonable measures to protect the information
37 from disclosure and the person intends to continue to take those measures.

38 2. The information is not and has not been reasonably obtainable by
39 legitimate means by other persons without the person's consent, other than
40 by governmental entities and other than in discovery based on a showing of
41 special need in a judicial or quasi-judicial proceeding.

42 3. A statute does not specifically require disclosure of the
43 information to the public.

44 4. The person has satisfactorily shown that disclosing the information
45 is likely to cause substantial harm to the person's competitive position.

APPROVED BY THE GOVERNOR APRIL 17, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2002.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 15, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15 day of April, 2002

at 3:13 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 17 day of

April, 2002,

at 4:33 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2031

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 18th day of April, 2002

at 2:22 o'clock P. M.
[Signature]
Secretary of State